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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/326,646	06/07/1999	SHERVIN PISHEVAR	55741.000003	4448
41461	7590	12/29/2005	EXAMINER	
CHARLES A. RATTNER 12 HOMEWOOD LANE DARRIEN, CT 06820-6109			ART UNIT	PAPER NUMBER

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

### DETAILED ACTION

This communication is in response to the Appeal Brief filed October 13, 2005.

At the least, the brief does not contain a concise Summary of Claimed Subject Matter defined in the claims involved in the appeal, which refers to the specification by page and line number, and to the drawing, if any, by reference characters.

See 37 CFR 41.37 (a), which recites:

(v) Summary of claimed subject matter . A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The Examiner comments that the Appeal Brief is defective for the above reason *at the least*; there may be other defects. Appellant should make a complete review of the Appeal Brief and make changes to comply with requirements published in the *Federal Register*/Vol. 69, No.155/Thursday, August 12, 2004/Rules and Regulations. See at least pages 49962 and 49963. These pages detail requirements for compliance with new practice. The *Federal Register* is available at the US Patent and Trademark Office website, [www.uspto.gov](http://www.uspto.gov).

Appellant is required to comply with provisions of 37 CFR 1.192(c).

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or

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THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk  
December 19, 2005

**Primary Examiner**  
**Charles Kyle**  
**Art Unit 3624**

